

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)	
LIGHTYEAR NETWORK SOLUTIONS, LLC,)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE LOCAL EXCHANGE)	
AND COMPETITIVE INTRASTATE TELECOMMUNICA-)	
TIONS SERVICES WITHIN THE STATE OF)	PSC DOCKET NO. 03-535
DELAWARE, AND FOR REVIEW OF A PLAN FOR)	
PROVIDING INTRALATA TOLL DIALING PARITY IN)	
ACCORDANCE WITH FEDERAL COMMUNICATIONS)	
COMMISSION REQUIREMENTS)	
(FILED DECEMBER 15, 2003))	

FINDINGS AND ORDER NO. 6444

AND NOW, to-wit, this 22nd day of June, 2004, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On December 15, 2003, Lightyear Network Solutions, LLC ("new Lightyear"), filed with the Commission an application for a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide local exchange and competitive intrastate telecommunications services within Delaware. New Lightyear has also filed an illustrative tariff setting forth the terms and conditions for its proposed services and its proposed dialing parity plan; and

2. Public notice of the application, including a period for filing objections, was published in The News Journal newspaper on January 15, 2004 and the Delaware State News newspaper on January 20, 2004. No comments nor objections to the application have been received. The Commission Staff reports that new Lightyear has shown that it has the financial, technical, and managerial capabilities as required for a

certificate as set forth in the Commission's "Rules for the Provision of Telecommunications Services;"¹ and,

3. The Commission determines that a conditional CPCN should be granted to new Lightyear authorizing it, as a public utility, to offer local exchange telecommunications services under the provisions of the Commission's "Rules for the Provision of Telecommunications Services" until the Company completes the conditions described in Ordering Paragraph 4;

4. The Commission determines that a CPCN should be granted to new Lightyear authorizing it, as a public utility, to offer competitive intrastate telecommunications services under the provisions of the Commission's "Rules for Provision of Telecommunications Services" as soon as the Company files an irrevocable Letter of Credit as authorized in PSC Order No. 6437 (June 22, 2004);

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to 26 Del. C. §§ 203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services," a conditional Certificate of Public Convenience and Necessity is granted to Lightyear Network Solutions, LLC, to operate as a public utility and provide local exchange telecommunications services as described in the application filed on December 15, 2003.

2. That, pursuant to 26 Del. C. §§ 203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services," a Certificate of Public Convenience and Necessity is granted to Lightyear Network Solutions, LLC, to operate as a public utility and provide

¹Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001).

competitive intrastate telecommunications services as described in the application filed on December 15, 2003, upon the filing of its irrevocable Letter of Credit as authorized in PSC Order No. 6437 (June 22, 2004).

3. That Lightyear Network Solutions, LLC, shall provide local exchange and competitive intrastate telecommunications services in the manner required by the Commission's "Rules for the Provision of Telecommunications Services," and shall, at all times, comply with all applicable provisions of such Rules. Lightyear Network Solutions, LLC, shall also file all returns and pay all assessments and fees as may be required by the provisions of *26 Del. C. §§ 114 and 115*.

4. That the Certificate for local exchange telecommunications services is awarded upon, and subject to, the following conditions:

- (a) That ten (10) days prior to the date Lightyear Network Solutions, LLC, intends to offer and implement local exchange telecommunications services, Lightyear Network Solutions, LLC, shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That Lightyear Network Solutions, LLC, has a Commission approved interconnection agreement or a filed "opt-in" agreement between Lightyear Network Solutions, LLC, and Verizon Delaware LLC, or another certificated local exchange carrier.

5. That the intraLATA toll dialing parity plan filed by Lightyear Network Solutions, LLC, is approved with the modification expressed in Staff's recommendation in their June 15, 2004 memorandum. The Commission

reserves the right to revisit the approval granted here if changed circumstances or complaints (from either consumers or competitors) raise concerns that "real world" implementation of the intraLATA toll dialing parity plan of Lightyear Network Solutions, LLC, does not allow for customers to exercise informed choice in the selection of an intraLATA toll carrier.

6. That the provisions of 26 Del. C. § 208(b) are waived, and Lightyear Network Solutions, LLC, is authorized to maintain its books and records relating to its Delaware operations outside of the State of Delaware provided, however, and upon the condition that, all such books and records relating to Delaware operations as the Commission may deem it reasonably necessary from time to time, to review and copy, shall be provided to the Commission at the Commission's Office within the State of Delaware in a timely manner upon written request by the Commission's Chief of Technical Services or Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

7. That Lightyear Network Solutions, LLC, shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. Lightyear Network Solutions, LLC, agrees to pay all fees, assessments, penalties, and allowed damages arising from a violation of such state and federal statutes or rules pertaining to the selection of a preferred carrier.

8. That a violation of the "Rules for the Provision of Telecommunications Services" may result in suspension or revocation of this Certificate.

9. That the Commission reserves the jurisdiction and authority to enter such further Orders in this proceeding as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae

Chair

/S/ Joshua M. Twilley
Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary